

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In the matter of:

NETWURX, INC.

Case No. 08-26131

Debtor.

Chapter 11

**OBJECTION TO THE CONFIRMATION OF THE
BERTRAM COMMUNICATIONS, LLC MODIFIED
CHAPTER 11 PLAN OF REORGANIZATION DATED AUGUST 17, 2009**

Netwurx, Inc., Pamela Maher, and Peter Maher, jointly and severally, by their attorney Guy K. Fish, hereby object to the confirmation of the Bertram Communications, LLC (hereinafter “Bertram”) modified Chapter 11 Plan of Reorganization filed on August 17, 2009 on the following grounds:

1. Bertram filed an original plan on June 29, 2009 which proposed a “buyout” of the Netwurx corporation in the sum of \$750,000.00. Bertram subsequently filed a modified plan on July 16, 2009. The only modification was an increase of the buyout amount to \$800,000.00 (a 6.7% increase). Bertram then filed another modified plan on August 17, 2009. That modified plan contained no material or substantial changes to the plan filed on July 16, 2009.
2. Bertram, other than affirming financing in its filings, has provided no additional and separate verification that the proposed \$800,000.00 is indeed available to Bertram.
3. Since the modified plan filed on August 17, 2009 contains the exact same language as the modified plan filed on July 16, 2009, and the modified plan filed on August 17, 2009 does not contain language explaining why the same plan was filed twice, and Bertram has provided no other explanation for said filing, your objectors submit that Bertram has acted in bad faith.

4. Section 11 U.S.C. 1129(e) is applicable to the Bertram plan. The Bertram plan fails to meet the confirmation requirement of 45 days after the filing of its plan. In order for the 45 day period to track at the filing of a modified plan, modifications in a modified plan must be material and substantially different to a previous plan. *See In Re Save Our Springs (S.O.S.) Alliance, Inc.*, 388 B.R. 202 (Bkrtcy. W.D. Tex. 2008). Bertram's modified plan filed on August 17, 2009 contained no material modifications or substantial differences to the plan that it filed on July 16, 2009. Your objectors submit that the plans are identical. Your objectors would further argue that the two modified plans filed after the original plan do not contain material modifications or substantial differences to the original plan. Therefore, the Bertram plan filed on August 17, 2009, at a minimum, relates back to the filing date of July 16, 2009 for purposes of the 45 day period. The confirmation hearing set for September 17, 2009 is long past the 45 day period.

For the reasons as set forth above, Netwurx, Inc., Pamela Maher, and Peter Maher, jointly and severally, object to the confirmation of the Bertram plan filed on August 17, 2009.

Respectfully submitted this 17th day of September, 2009.

FISH LAW OFFICES

533 Vernal Ave.
Milton, WI 53563
(608) 868-3200
(608) 868-3208 Fax

By: /s/
GUY K. FISH
Attorney for Netwurx, Inc.,
Pamela Maher, and Peter Maher
Wis. State Bar No. 1005282